

FILED

MAR 03 2025

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY X DEP CLK

United States District Court		District: <u>Middle</u>
Name (under which you were convicted): <u>NATHAN E. WEDDLE</u>		Docket or Case No.: <u>(1722 4551)</u> <u>(1722 45 48)</u> <u>(1722 45 49)</u>
Place of Confinement: <u>ALBERMARLE CORR. INST. — PO BOX 460 — BADIN, NORTH CAROLINA, 28009</u>		Prisoner No.: <u>158 38 96</u>
Petitioner (include the name under which you were convicted) <u>NATHAN E. WEDDLE</u>		Respondent (authorized person having custody of petitioner) <u>KENNETH Diggs</u>
The Attorney General of the State of: <u>JEFF JACKSON</u>		

PETITION

5:25-HC-2055-M

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

WAKE COUNTY SUPERIOR COURT, NORTH CAROLINA

(b) Criminal docket or case number (if you know): (17 22 45 51)(17 22 45 49)(17 22 45 49)

2. (a) Date of the judgment of conviction (if you know): (7-6-2018)

(b) Date of sentencing: (7-6-2018)

3. Length of sentence: (19-29) YEARS MIN-MAX

4. In this case, were you convicted on more than one count or of more than one crime? ☒ Yes ☐ No

5. Identify all crimes of which you were convicted and sentenced in this case: (ONE) COUNT — SAT. SEX OFF. child — (NCGSA 14-27.30(A)) — (2) COUNTS — Ind. Lib. w/child, (NCGSA 14-27.30(A))

6. (a) What was your plea? (Check one)

☐ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☒ (2) Guilty ☐ (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? NA/ I UNLAWFULLY PLED TO ALL HERE-IN

(c) If you went to trial, what kind of trial did you have? (Check one)

☐ Jury ☐ Judge only N/A

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☒ No WAS DEPRIVED AND DENIED OF MY RIGHTS TO A PRE-TRIAL HEARING AND WAS INDICTED WITHOUT WRITTEN CONSENT

8. Did you appeal from the judgment of conviction?

☐ Yes ☒ No (NO) SUBJECT-MATTER JURISDICTION CAN BE RAISED @ ANY-TIME (WITHOUT A STATUTE OF LIMITATION) (ARTICLE (3) INVOKED

9. If you did appeal, answer the following:

(a) Name of court: N/A

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Citation to the case (if you know): _____

(f) Grounds raised: _____

(g) Did you seek further review by a higher state court? ☐ Yes ☐ No

If yes, answer the following:

(1) Name of court: N/A

(2) Docket or case number (if you know): _____

(3) Result: _____

(4) Date of result (if you know): _____

(5) Citation to the case (if you know): _____

(6) Grounds raised: _____

N/A

(h) Did you file a petition for certiorari in the United States Supreme Court? ☐ Yes ☐ No

If yes, answer the following:

(1) Docket or case number (if you know): _____

N/A

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☐ Yes ☒ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: _____

N/A

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result: _____

N/A

(8) Date of result (if you know): _____ N/A

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

_____ N/A

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result: _____ N/A

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

_____ N/A

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result: N/A

(8) Date of result (if you know): N/A

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☐ Yes ☐ No

(2) Second petition: ☐ Yes ☐ No

(3) Third petition: ☐ Yes ☐ No

N/A

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not: (STATE V. FUNDER-

BURK, 191 SE 2d. 520) 1972 WESTLAW-HEADNOTES # (4) STATES - THE LACK OF JURISDICTION OF THE CAUSE OR SUBJECT-MATTER CAN BE RAISED AT ANYTIME (WITHOUT STATUTE OF LIMITATIONS) etc.

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: THE STATE (WAKE COUNTY SUPERIOR COURT) LACKS JURISDICTION FOR THIS (NULLITY) CONVICTION (SINCE) (12-21-2017) IN WHICH IS THE VERY DAY

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

that this states prosecution (willfully) (FORGOTTEN valid jurisdiction) to lawfully prosecute, AND I HEREBY OFFICIALLY AND FORMALLY (OBJECT) TO THIS (illicit Nullity) SENTENCE, INDICTMENTS AND PLEA AGREEMENT AND THUS MUST BE (VACATED) WITH IRREPRABLE PREJUDICE, WITH AN (URGENT IMMEDIATE RELEASE) GRANTED FROM UNLAWFULLY ^{BEING} HELD HOSTAGE WITH "illegal" RESTRAINT FROM Liberty; That I hereby ^{AND} NOW DO INVOKE My ARTICLE (3) RIGHTS FOR IMMEDI-

(b) If you did not exhaust your state remedies on Ground One, explain why: ATE REDRESSABILITY (NOW SEE)

(DEPT. OF EDUCATION V. BROWN, 143 S. Ct. 2343) 2023. WESTLAW-HEADNOTE # (8) STATES-- WHEN A STATUTE SUCH AS (NCCGSA 15A-606(A) AND (d) AND (NCCGSA 15A-642 (C1)) AFFORDS A LITIGANT A (PROCEDURAL RIGHT) TO PROTECT HIS CONCRETE INTEREST, THE LITIGANT MAY ESTABLISH (ARTICLE (3)) JURISDICTION WITHOUT MEETING THE USUAL STANDARDS FOR REDRESSABILITY AND IMMEDIACY (U.S. CONST. ART. (3) SECTION (2) CLAUSE (ONE)). NOW FOR SECTION (B) OF THIS PAGE (6-B) SEE SECTION (18) OF PAGE (14) AND (15) FOR THE (EXEMPTION) OF EXHAUSTING OF STATE REMEDIES.

ON (12/21/2017) I WAS FORMALLY SERVED AS CHARGED AND ARRESTED FOR THESE ^{Said} ALLEGED CRIMES; AND FOR THIS STATES PROSECUTION TO BE IN COMPLIANCE WITH APPLICABLE LAW FOR THE RIGHTS OF A PRETRIAL DEFENDANT AND OF AN (ARRESTEE); SEE THE MANDATED RULES OF INSTRUCTIONS, THAT IS IMPLEMENTED BY THIS STATES LEGISLATURES, THAT ARE ^{the} DIRECT INSTRUCTIONS TO THE COURTS AND IS A DIRECT ORDER FOR ITS STATE DISTRICT COURT JUDGES TO ABIDE THEIR RULES OF PROCEDURAL DUE PROCESS, THUS IN ORDER ^{to} PROTECT THE STATE CONSTITUTIONAL RIGHTS OF THE ACCUSED: SEE THIS STATES DECLARATION (ARTICLE ONE) STATUE (23).

(SEE)

(NCGSA 15A-606 (A) AND (d)).

Paragraph (A) STATES-

If a defendant is charged with a CRIMINAL OFFENSE WITHIN THE ORIGINAL JURISDICTION OF THE SUPERIOR COURT, the judge "Must" Schedule (HERE IS A MANDATORY COMMAND) Must Schedule A PROBABLE-CAUSE HEARING (UNLESS THE DEFENDANT WAIVES IN WRITING) the DEFENDANTS (RIGHT TO SUCH HEARING) AND THAT IF THIS RIGHT IS (WAIVED), THAT IT MUST BE DONE IN (WRITING) BEFORE ^{IN} THE PRESENCE OF A/the DISTRICT COURT JUDGE, THUS SIGNED BY BOTH THE DEFENDANT AND HIS ATTORNEY COUNSEL

Paragraph (d) STATES- (If the defendant does - NOT WAIVE) A PROBABLE CAUSE HEARING, THE DISTRICT COURT JUDGE (MUST) Schedule A PROBABLE CAUSE HEARING (NOT LATER THAN "15" WORKING DAYS) FOLLOWING THE INITIAL APPEARANCE (BEFORE) AS OF ^{the} IN ATTENDANCE (BEFORE) THE DISTRICT COURT JUDGE.

HERE, AS FOR BOTH PARAGRAPHS (A) AND (d) OF THIS (15A-606) STATUE, I WAS DELIBERATELY DEPRIVED MY ENTITLED RIGHT TO PROCEED TH MY PROBABLE CAUSE HEARING WITHOUT A SIGNED WRITTEN SIGNATURE CONSENT (WAIVER)

(2254(B))
GROUND ONE PAGE (3)

OF Rights, that is to be signed by both ME AND MY ATTORNEY COUNSEL;
Thus, being indicted without the proper due process, without an opportunity to present an adequate and affirmative defense, to have my ATTORNEY COUNSEL present, to cross-examine ^{the} state's witnesses, to call upon my credible witnesses, to present favorable evidence, and to strike or challenge bias and prejudice grand jurors etc. And for the grand jury to indict me in this illicit manner without the proper afforded due process was prejudicially prejudice ^{to be} without confrontation; thus confirming that the grand jury indictments are literally insufficiently fraudulent forged (Nullity) documents that did not acquired a sufficient accusation to support any sufficient probable cause, (SEE)

(McClure v. State, 267 NC 212) 1966. Westlaw-Headnote # (6) States -

There can be no trial, hearing, conviction, or punishment for a crime without a formal and sufficient accusation; in the absence of an accusation, the (court acquires NO jurisdiction what-so-ever, and if it assumes jurisdiction; (A trial, hearing; and conviction is a "Nullity").

NOW SEE-

What this states legislatures says about when the courts, as a whole, clerks, judges and prosecutors violates their mandated rules of instructions, for their procedural due process for the courts to abide and follow, and when their mandatory due process is violated, the proceedings are a (Nullity) and is without jurisdiction (SEE)

(State v. Hardwood, 243 NC App. 425) 2015. Westlaw-Headnotes # (3) And (4) #

(3) States - where jurisdiction is statutory such as (NCGSA 15A-606) and (NCGSA 15A-642(c)) and the legislature requires the court to exercise its jurisdiction in a certain manner, to follow a certain

procedure, OR OTHERWISE SUBJECTS THE COURT TO CERTAIN LIMITATIONS, AN ACT OF THE COURT ^{BEYOND} THESE LIMITS, ^{IS IN} EXCESSIVE OR EXCESS OF ITS JURISDICTION; IF THE COURT WAS WITHOUT AUTHORITY, ITS JURISDICTION IS (VOID) AND OF NO EFFECT.

#(4) STATES - IN A CRIMINAL CASE, THE STATE MUST PROVE JURISDICTION BEYOND A REASONABLE DOUBT.

WHEREFORE,

FROM BEING ARRESTED ON (12/21/2017); MY DEPRIVED RIGHT TO A PROBABLE CAUSE HEARING BECAME A (NULLITY) NOT LATER THAN (1/5/2018) @ "5'0'CLOCK" PM WITH THE CLOSING OF THE COURT-HOUSE, EXACTLY (15th) WORKING DAYS PER MANDATED RULES OF INSTRUCTIONS FOR (NCGSA 15A-606) PARAGRAPHS (A) AND (d), AND AS FOR THE EQUAL PROTECTION OF LAWS, SEE HOW THE COURT, THE JUDGE AND MY DEFENSE COUNSEL HAS FAILED MY EQUAL PROTECTION OF LAWS; HAS FAILED TO MINISTERIAL WITH PROTECTING MY CONSTITUTIONAL RIGHTS, IN WHICH IS AN AUTOMATIC (ABUSE OF DISCRETION), (MALICIOUS PROSECUTION), AND (INEFFECTIVE ASSISTANCE OF COUNSEL) FOR A COMPLETE ALL AROUND FAILURE (SEE)

(STATE V. GOODE, 44 NC APP. 498) 1980. WESTLAW-HEADNOTE" (5) STATES - THE JUDGE AND DEFENSE COUNSEL BOTH SHARE A (TWO-FOLD) RESPONSIBILITY OF (ENFORCING) A DEFENDANTS RIGHT OF A / TO A FAIR TRIAL OR HEARING, (USCA CONST. AMEND. (b)).

(THEN SEE)

(UNITED STATES V. ZAKHARI, 85 F. 4th 367) 2023. WESTLAW-HEADNOTES - (16) (17) (18) (19) (20) AND (22).

#

(16) STATES - THE DISTRICT COURT REVIEWS FOR ABUSE OF DISCRETION A DISTRICTS

(2254 (B))
GROUND ONE Page (5)

COURTS decision wheather to dismiss AN indictment For prosecutorial vindictiveness.

(17) STATES - A district court does abuse its discretion when it relies on erroneous finding of fact, and applies the wrong legal standard, but misimplies the correct legal standard when reaching a conclusion, or makes a (clear) error of judgment (such as here in my / this case with prosecuting a (Nullity) proceeding beyond the (15) days of the statute of limitation in (NCGS 15A-606(d)) Thus despite prosecuting a "dead case" AN - INSULT to CONSTITUTIONAL INJURIES, WAS BEING indicted without a signed written signature consent (waiver) AS (MANDATORIALLY) REQUIRED by the RULES OF PROCEDURES FOR this statute AND by this states legislature (S), AND WHEREFORE, WHEN A defendant AND his ATTORNEY COUNSEL does NOT (waive) his rights to his probable cause hearing; THE CORRECT due process MUST (ENSUE):

(State v. LESTER, 294 NC 220) 1978. WESTLAW-HEADNOTE # (3) STATES - THE purpose OF A (probable cause hearing) IS TO DETERMINE WHETHER ENOUGH SUFFICIENT EVIDENCE OR PROBABLE CAUSE (EXIST) TO BIND THE CASE OVER TO SUPERIOR COURT (AND THEN TO SEEK) FOR AN indictment IN ORDER TO PLACE THE ON TRIAL (NCGS 15A-606); NOTICE how this case REFLECTS BACK TO THE PROPER RULES OF PROCEDURES AND INSTRUCTIONS, thus directing the (COURT) ON how TO GOVERN AND PROCEED WITH THE / CONSTITUTIONAL Right for A PRE-TRIAL (ARRESTEE) AND OR detainee.

(State v. Singleton, 285 NC App. 630) 2022. WESTLAW-HEADNOTE # (4)

STATES - EVERY CITIZEN HAS A (Rights) to the decision OF (24) OF his FELLOW CITIZENS OF guilt; (First) by A (grand jury) AND SECONDLY by A PETTY JURY OF good AND Lawful CITIZENS (NC CONST. ARTICLE ONE; STATUTE (22). (22)

(2254 (B))
GROUND ONE Page (6)

Now that I have established to this Appeals Court, that it has been established, that I have ^{OR} had a statutory and constitutional right to (proceedth) a probable cause hearing except by a ^{WRITTEN} signature consent (waiver) of rights, in which no (waiver) of rights (exist) just as no probable cause hearing(s) transcripts (exist) and for this or these facts alone this state lacks prosecution jurisdiction, thus deeming this conviction to be (null) of effect (State v. Hardwood) herein on page (Ground one page (3) headnote (3)) for when a or the court violates a defendants due process rights and the states legislatures rules of procedurals that the case must be (vacted) with prejudice, as a (nullity), and as stated above, the grand jury indictments are "mere" fraudulent documents without ^{the} confrontation clause, without an ^{impartial} grand jury vote or acquiring a sufficient probable cause and accusation (State v. McClure) herein one page Ground one page (3) in which causes (irreparable prejudice to a defendants defense beyond repair.

(SEE)

(MANUEL V. City OF JOLIET, ILLINOIS, 137 S. Ct. 911) 2017. WESTLAW-HEADNOTES # (4) (5) (8) (9) AND (11)

(5) STATES - THE (4th) AMENDMENT (prohibits) government officials from (detaining) a person in the absence of (sufficient) probable cause, in which can happen when the police holds someone without any reason before the (FORMAL ONSET) OF A (CRIMINAL PROCEEDING) OR WHEN A ^{OR} the legal process goes wrong (such as indicting without a probable cause hearing OR (WAIVER OF RIGHTS) OR SUCH AS WHEN THE JUDGES DETERMINATION IS PRE-
DICTATED SOLEY ON A POLICE FALSE STATEMENTS (USCA CONST. AMEND. 4th) AND (NCGSA 15A-642(c)) (15A-606(a) AND (d)).

#

(8) STATES - If the legal proceeding establishing probable cause is (TAINTED); (such as a prejudicial ^{indicting} grand jury) and the results that the (probable cause is LACKING); then the ensuing pre-trial violates the confined persons (4th) Amendment rights.

(2254 (B))
GROUND ONE Page (7)

(STATE V. BETHEA, 173 NC App. 43) 2005. WESTLAW - HEAD-NOTE [#](17) STATES-

ITS A VIOLATION OF A DEFENDANTS RIGHT (6th) AMENDMENT RIGHTS OF CONFRONTATION AND IS DETERMINED BY (ONE) WHETHER THE EVIDENCE THAT WAS ADMITTED WAS TESTIMONIAL IN NATURE (2) WHETHER THE TRIAL COURT PROPERLY RULED THAT THE (DECLARANT) WAS UNAVAILABLE, AND WHETHER THE (DECLARANT) HAD AN OPPORTUNITY TO (CROSS-EXAMINE) THE (DECLARANT) THE ACCUSERS AND OR ANY STATE WITNESSES, TO PRESENT AN AFFIRMATIVE DEFENSE;
HERE,

I WAS DEPRIVED OF MY ENTITLED RIGHTS TO PROCEED WITH MY PROBABLE CAUSE HEARING WITH A (WAIVER) OF INDICTMENT(S) AS MANDATORILY REQUIRED PER STATUTES (NCGSA 15A-606 (a) AND (d)) (NCGSA 15A-642 (c)) AND THIS STATES DECLARATION OF RIGHTS (ARTICLE ONE STATUE (22) AND (23)

(LEE V. GAMMON, 222 F. 3d 441) 2000. 8th CIR. WESTLAW - HEADNOTES [#](ONE) AND (2)

[#](ONE) STATES - THE (6th) AMENDMENT GUARANTEE'S THAT IN ALL CRIMINAL CASES OR PROSECUTIONS, (THE ACCUSER SHALL ENJOY THE RIGHT) TO BE INFORMED OF THE NATURE AND CAUSE OF ACTION, AND IS MADE APPLICABLE THROUGH ^{THE} STATE THROUGH THE (14th) AMENDMENT (NCGSA 15A-606) (15A-642 (c)) (15A-611) (GUIDELINE 2.4) (7A-66).

(STATES V. SELLARS, 52 NC App. 380) 1981. WESTLAW - HEADNOTE [#](ONE) STATES-

THE PURPOSE OF A PROBABLE CAUSE HEARING IS TO DETERMINE WHETHER THE ACCUSED SHOULD BE (DISCHARGED) OR WHETHER SUFFICIENT PROBABLE CAUSE (EXIST) TO BIND THE CASE OVER TO SUPERIOR COURT (BEFORE) SEEKING AN INDICTMENT. (NCGSA 15A-606) PARAGRAPHS (a) AND (d).

(STATE V. ROBERTS, 16 NC App. 607) 1972. WESTLAW - HEADNOTE [#](ONE) STATES-

THE PURPOSE OF A PRELIMINARY OR PROBABLE CAUSE HEARING IS TO (EFFECT) A

A RELEASE FOR ONE WHO IS BEING HELD IN VIOLATION OF HIS CONSTITUTIONAL RIGHTS; (SEE) (STATE V. FUNDERBURK, 191 SE 2d 520) 1972. WESTLAW-HEADNOTE # (2) STATES - AN ACT OF THE /A/ COURT TO A MATTER AS TO WHICH HAS "NO JURISDICTION" IS VOID, AND THEREFORE, THE INDICTMENTS (HEREIN) ARE A (NULLITY) AS (VOID) WITHOUT A PROBABLE CAUSE HEARING OR A (WAIVER) OF THE RIGHT TO PROCEEDTH A PROBABLE CAUSE HEARING.

(NOW SEE)

(STATE V. NIXON, 263 NC App. 676) 2019. WESTLAW-HEADNOTES # (1) (2) (3) (4) (5) (6) (7) AND (9).

(9) STATES - THE TRIAL COURT DID NOT HAVE JURISDICTION TO ACCEPT A DEFENDANT'S GUILTY PLEA AND TO ENTER A JUDGMENT, IN A PROSECUTION FOR (MY / THESE CHARGES / IN THIS CASE) BEING THAT THE DEFENDANT WAS CHARGED BY WAY OF BILL OF INFORMATION, AND THE BILL OF INFORMATION DID NOT INCLUDE OR HAD AN ATTACHED EXPRESSED WAIVER OF INDICTMENT.

IN THE STATE OF NORTH CAROLINA, IT IS UNLAWFUL TO (DEPRIVE) A DEFENDANT OF HIS ~~FEDERAL~~ ^{FEDERAL} AND STATE RIGHTS TO PROCEEDTH A PROBABLE CAUSE HEARING WITHOUT A SIGNED WRITTEN SIGNATURE CONSENT (WAIVER) SEE (NCGSA 15A-606) PARAGRAPHS (A) AND (d) AND (NCGSA 15A-642(c)) AND TO INDICT AND CONVICT A DEFENDANT IN THIS ILICIT MANNER (SEE)

(STATE V. MAHER, 305 NC 544) 1982. WESTLAW-HEADNOTES # (3) (5) AND (6).

(3) STATES - IT IS IMPLICIT IN THE CONSTITUTION THAT GUARANTEES ^{OF} EFFECTIVE ASSISTANCE OF COUNSEL AND A RIGHT TO CONFRONTATION OF ONE'S ACCUSERS WITHOUT (WAIVER) AND TO CONFRONT THE ^{STATES} WITNESSES AGAINST HIM, THAT THE ACCUSED AND HIS COUNSEL SHALL HAVE A REASONABLE AMOUNT OF TIME TO PREPARE AND PRESENT A DEFENSE; HOWEVER, NO SET LENGTH AMOUNT OF TIME IS GUARANTEED AND WHETHER A DEFENDANT IS DENIED DUE PROCESS MUST BE DETERMINED UNDER THE CIRCUMSTANCES OF EACH CASE (NCGSA 15A-1443 (B)); (USCA CONST. AMEND. 6)

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: _____

N/A

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

N/A

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

N/A

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

N/A

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

N/A

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: _____

N/A

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: _____

(STRICKLAND V. WASHINGTON) COMPLIES WITH (HILL V. LOCKHART, 106 S. CT. 3166) 1985. HEADNOTE # (2) AND (3).
GROUND TWO: (INEFFECTIVE ASSISTANCE OF COUNSEL) SEE (STRICKLAND V. WASHINGTON,

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

104 S. CT 2052) 1984. WESTLAW-HEADNOTES # (6) (7) (9) (12) (13) (17) (18) AND (20).
(19) STATES- TO SUCCEED ON A (6TH) AMENDMENT CLAIM, OF (INEFFECTIVE ASSISTANCE OF COUNSEL), A DEFENDANT MUST SHOW THAT THERE IS A "REASONABLE PROBABILITY," WHICH IS A PROBABILITY SUFFICIENT TO UNDERMINE CONFIDENCE IN THE OUTCOME, THAT, BUT FOR COUNSEL'S UNPROFESSIONAL ERRORS, THE RESULT OF THE PROCEEDING WOULD HAVE BEEN DIFFERENT. HERE, THIS ^{MY} ATTORNEY - THE (DA) AND THE PRESIDING JUDGE WILLFULLY VIOLATED MY PRE-TRIAL RIGHTS, THUS PROSECUTING A (NULLITY) THAT BECAME A (NULLITY) SINCE THE (15TH) DAY OF MY INITIAL THUS DEPRIVING ME OF MY GUARANTEED (NCCSA 15A-606(A) AND (d) PROBABLE CAUSE HEARING) WITH-

(b) If you did not exhaust your state remedies on Ground Two, explain why: OUT A SIGNED WRITTEN SIGNATURE CONSENT, THUS SIGNED BY BOTH ME AND MY ATTORNEY (NCCSA 15A-642(C)) SEE (STATE V. HARDWOOD) HERE-IN FOR A PRE-TRIAL DUE PROCESS VIOLATION- HEADNOTE # (3) AND (STATE V. FRUTRELL) ALIKE, (STATE V. NELLIVE) HAD I'D KNOWN - THIS (NULLITY) SINCE (15 DAYS) OF MY INITIAL APPEARANCE, I WOULD HAD REPRESENTED MYSELF UNDER (DEAD - NULL) INDICTMENTS

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

IN THIS CASE AND MATTER, it is obvious that My ATTORNEY willfully MISREPRESENTED ME; AS if he did IGNORED My CONSTITUTIONAL ^{AND} DUE PROCESS RIGHTS FOR BEING INDICTED AS A—PRE-TRIAL detainee slash ARRESTEE, by LAW, IN ORDER to graduate (LAW SCHOOL) AND to POSSESS A (STATE BAR LICINSE) "ONE MUST UNDERSTAND" to COMPREHEND the (NCGSA) "THE NORTH CAROLINA'S GENERAL STATUTES ANNOTED". SO-FOR, HOW IS it that this INEFFICIENT ATTORNEY ALL OF A SUDDEN IN THIS CASE COULD NOT COMPREHEND the PRE-TRIAL RULES OF PROCEDURES FOR A CRIMINAL DEFENDANT, this STATES LEGISLATIVES AND FOR both these CLEAR AND UNAMBIGUOUS PLAIN LANGUAGE STATUTES FOR (NCGSA 15A-606 (A) AND (d) AND (NCGSA 15A-642 (C)).

BELOW ARE SOME OF THE BASIC INSTRUCTIONS FOR A DEFENSE COUNSEL to ABIDE. IN THIS MATTER, My DEFENSE ATTORNEY COUNSEL WAS GROSSLY INEFFECTIVE — AS A FAILURE TO (MINISTERIAL) OF his DUTIES; AS FOR this — (FIDUCIARY BREACH) he/SHE WAS THE (SOLE) CONTRIBUTOR FOR this (NULLITY) AND (ILLICIT) SENTENCE OR CONVICTION, AGAIN, BELOW ^{ARE} A (VAST) VARIETY OF PROCEDURES that he willfully IGNORE, had he properly REPRESENTED ME, this CONVICTION would had NOT OCCURRED ACCORDINGLY to the DUE PROCESS RULES OF PROCEDURES FOR both STATUTES ABOVE AS FOR AN ARRESTEE, SEE EVERY STEP OR PROCEDURE OF ELEMENT (S) that WAS NOT DONE (SEE) that he SHOULD HAVE KNOWN that this CASE WAS A (Nullity 15 days) AFTER the ^{NOT LATER THAN} INITIAL APPEARANCE, WHEN I WAS DEPRIVED OF My PROBABLE CAUSE HEARING FOR the RIGHT EXERCISE the CONFRONTATION CLAUSE AND the WAS CONTINUED to be PROSECUTED BEYOND the INITIAL APPEARANCE WITHOUT A (WAIVER OF INDICTMENT Signed by both ME & My ATTORNEY COUNSEL (NCGSA 15A-606 (A) AND (d) AND (NCGSA 15A-642 (C)); (STATE V. FUTREILLE) (STATE V. NEVILLE) HERE-IN.

(SEE)

Guideline [#](1.2.) FOR ROLE OF DEFENSE COUNSEL OF THE INDIGENT DEFENSE SERVICES GUIDELINE

Paragraph (A) States - The paramount obligations for a criminal defense counsel are to provide (zealous) and qualified representation to their clients @ all stages of the criminal process, and to preserve, protect, and promote their clients rights and interest through out the criminal proceeding.
(SEE)

Guideline (1.4.) FOR GENERAL DUTIES OF DEFENSE COUNSEL

Paragraphs (A) through (E)

(SEE) Guideline (8.6.) FOR (THE DEFENSE SENTENCING THEORY) paragraph (E)

(STATE BAR RULE [#](8.6.) FOR INFORMATION ABOUT A POSSIBLE WRONGFUL CONVICTION paragraph (A) (THEN SEE)

THE INDIGENT DEFENSE GUIDELINE [#](7.6.) FOR (PRESENTING THE DEFENSE) paragraphs (A through I)

Paragraph (A) States

THE COUNSEL should develop, in consultation with the client, an overall (defense) strategy. In deciding on a defense strategy, the counsel should consider whether the clients interests are best served by not presenting defense evidence, and instead on relying on the evidence and inferences, or lack (thereof), from the prosecutions case. Here, my attorney did not attempt ^{to} do any of the mandates

ABOVE; HE SHOULD HAVE KNOWN THAT WE, HE & I DID NOT OR AND HAD
(NOT) SIGNED ANY (WAIVER) OF INDICTMENTS IN COMPLIANCE WITH ^{both} STATUTES
(NCGSA 15A-606 (A)) AND (d) AND (NCGSA 15A-642 (C)); THUS
(WAIVING) MY ENTITLED RIGHTS TO THE CONFRONTATION CLAUSE IN ORDER TO
CONFRONT & CROSS-EXAMINE MY ACCUSERS, ASFORE, I DID NOT CONSENT
TO (AUTOMATICALLY) BE (INDICTED); IN WHICH CAN ONLY BE (WAIVED) AND DONE
IN A STATE DISTRICT COURT BEFORE A STATE DISTRICT JUDGE, SO HEREOF;
(SEE) THE PRIMA FACIE EVIDENCE THAT (VALIDATES) THIS ARGUMENTS SUB-
STANTIAL GROUND SEE (STATE V. HARDWOOD, 243 NC App. 425) 2015 - WEST-
LAW-HEADNOTE # (3) FOR WHEN THE COURT(S) VIOLATES THE DUE PROCESS OF
THIS STATES LEGISLATURES MANDATED RULES OF PROCEDURES THAT MAKES ANY
PROCEEDING A (NULLITY) PROCEDURE, THIS IS WHEN, WHERE AND HOW THE STATES
PROSECUTION "FORFEITED" VALID JURISDICTION TO ^{PURSUE} PROSECUTION BEYOND THE (15)th
DAY OF MY ARREST OR INITIAL APPEARANCE SEE (STATE V. FUNDERBURK,
191 SE 2d 520) 1972. WESTLAW-HEADNOTES # ()

(SEE) (STATE V. BETHEA, 173 NC App. 43) 2005. WESTLAW-HEADNOTE # (17)

(THEN SEE)

THE INDIGENT DEFENSE GUIDELINE # (9.5.) FOR (PREPARING FOR AND CON-
FRONTING THE PROSECUTIONS CASE) PARAGRAPHS (A THROUGH d) AND (E-ONE-
THROUGH E-10); PARAGRAPHS (F), (G) (ONE THROUGH 5) TO PARAGRAPH (H),

PARAGRAPH (A) STATES - THE COUNSEL SHOULD ANTICIPATE THE WEAK-
NESSES IN THE PROSECUTIONS (PROOF), AND (RESEARCH) AND PREPARE TO
ARGUE CORRESPONDING MOTIONS FOR JUDGMENT OF DISMISSAL OR NOT DE-
LINQUENT.

(B) STATES - THE COUNSEL SHOULD CONSIDER THE ADVANTAGES OF ENTERING INTO STIPULATIONS CONCERNING THE PROSECUTIONS CASE.

(SEE)

GUIDELINE (2.6.) FOR (INDICTMENTS AND BILLS OF INFORMATION IN FELONY CASES, Paragraphs (A), (ONE THROUGH (5); () (B) AND (C)

Paragraph (A) STATES -

UPON A RETURN OF A BILL OF INDICTMENT, UNLESS THERE ARE SOUND TACTICAL REASONS FOR DOING SO, THE COUNSEL SHOULD CONSIDER POTENTIAL GROUNDS FOR SQUASHING THE INDICTMENT OR ANY CHALLENGES TO THE GRAND JURY PROCEEDINGS, INCLUDING BUT NOT LIMITED TO:

(NOW SEE)

GUIDELINE (2.5.) FOR (THE CHARGING LANGUAGE IN A CRIMINAL PROCEEDING, Paragraphs (A); (ONE & TWO) (B) AND (C).

Paragraph (A) STATES - THE COUNSEL SHOULD REVIEW THE CRIMINAL PROCEEDING IN ALL CASES AND, UNLESS THERE ARE SOUND TACTICAL REASONS FOR NOT DOING SO; (MOVE TO DISMISS) this pleading - IF THERE ARE DEFECTS IN THE CHARGING LANGUAGE.

(SEE)

GUIDELINE (2.3.) FOR (THE PRE-TRIAL RELEASE PROCEEDINGS IN MISDEMEANOR AND FELONY CASES (Paragraphs (A) THROUGH (F)

Paragraph (A) STATES - AS SOON AS POSSIBLE AFTER APPOINTMENT, WHERE THE CLIENT HAS NOT BEEN ABLE TO OBTAIN^A PRE-TRIAL RELEASE, THE COUNSEL SHOULD CONSIDER FILING A (MOTION TO REDUCE) BOND OR OTHERWISE (MODIFY AND PRETRIAL RELEASE CONDITIONS THAT

WERE SET by the Magistrate or other Judicial official at the Clients (INITIAL APPEARANCE).

(NCGSA 15A-1212) FOR (Grounds For Challenge (ONE) through (8); IN this matter the, this bias and prejudicial grand jury.

(Also)

(NCGSA 9-15) FOR (QUESTIONING JURORS WITHOUT CHALLENGE; CHALLENGES FOR CAUSE - Paragraphs (A), (B) AND (C).

IN this CASE MATTER, My REPRESENTING COUNSEL'S INEFFECTIVE ASSISTANCE has deemed to be (GROSSLY DEFICIENT ^{AND} DEFECTED), FAR below AND BEYOND the REQUIRED ~~THE~~ STANDARD OF THIS STATE'S BAR) WHERE HE FORESAW to REPRESENT ME IN this (Nullity) PROCEEDING ^{FOR} NEARLY (0) YEARS & (7) MONTHS that has lead to this CURRENTLY ACTIVE (FALSE IMPRISONMENT) that the STATE has LACKED PROSECUTION JURISDICTION SINCE, NOT LATER the (15) WORKING DAYS AFTER BEING ARRESTED ON (12-21-17) INWHICH BECAME A (Nullity) ON (01-05-18) WITHOUT ANY (OBJECTIONS) THUS ALLOWING this STATES PROSECUTION to PURSUE & INDICT A (DEAD HORSE) OF ^{JUDICIAL} MISARRIAGE THUS CAUSING ME TO INVOKE my ARTICLE (3) SECTION (2) CLAUSE (ONE) - FOR IMMEDIACY & REDRESSABILITY. FOR RELIEF FROM this UNLAWFUL RESTRAINT.

(SEE)

(GUIDELINE [#] (2.4.) FOR (PROBABLE CAUSE HEARINGS) IN FELONY CASES) PARAGRAPH (A), (B) ONE through (6).

(PARAGRAPH (A) STATES - THE COUNSEL SHOULD DISCUSS WITH THE CLIENT THE MEANING OF A PROBABLE CAUSE HEARING AND THE (PROCEDURAL ASPECTS) SURROUNDING A PROBABLE CAUSE DETERMINATION, AND SHOULD CONSIDER THE TACTICAL ADVANTAGES AND DIS-ADVANTAGES OF HAVING A PROBABLE CAUSE HEARING. THE COUNSEL SHOULD -

CONSIDER ANY CONCESSIONS THAT THE PROSECUTION MIGHT MAKE IF THE DEFENDANT (WAIVES), OR DOES NOT OPPOSE A CONTINUANCE OF, A (PROBABLE CAUSE HEARING.) Thus, ^{WAIVING} BEFORE A PROBABLE CAUSE HEARING, THE COUNSEL SHOULD CONSIDER THE POSSIBLE BENEFITS OF A HEARING, "BEFORE WAIVING A PROBABLE CAUSE HEARING" INCLUDING THE POTENTIAL FOR (DISCOVERY) AND THE DEVELOPMENT OF IMPEACHMENT EVIDENCE. THE COUNSEL ALSO SHOULD BE AWARE OF ALL CONSEQUENCES IF THE CLIENT WAIVES A PROBABLE CAUSE HEARING, INCLUDING THE EFFECT OF A (WAIVER) ON THE (STATUTORY DEADLINE - FOR DISCOVERY UNDER (GS 15A-902(d)).

(NOW SEE (B) (ONE THROUGH SIX))

(B) IN PREPARING FOR A PROBABLE CAUSE HEARING, THE COUNSEL SHOULD CONSIDER:

- (ONE) THE ELEMENTS OF EACH OF THE OFFENSE ALLEGED.
- (2) THE LAW FOR ESTABLISHING PROBABLE CAUSE.
- (3) FACTUAL INFORMATION THAT IS AVAILABLE CONCERNING THE EXISTENCE OR LACK OF PROBABLE CAUSE.
- (4) THE TACTICS OF FULL OR PRE-TRIAL CROSS-EXAMINATIONS.
- (5) ANY ADDITIONAL FACTUAL INFORMATION AND IMPEACHMENT EVIDENCE THAT COULD BE DISCOVERED BY COUNSEL DURING THE HEARING; AND
- (6) ANY CONTINUING NEED TO PURSUE MODIFICATIONS OF THE CONDITIONS OF RELEASE IF THE CLIENT IS IN CUSTODY.

COUNSEL ORDINARILY SHOULD NOT CALL THE CLIENT OR DEFENSE WITNESSES TO TESTIFY @ THE PROBABLE CAUSE HEARING UNLESS THERE ARE SOUND TACTICAL REASONS FOR DOING SO.

HERE, I WAS (FLAT-OUT) DEPRIVED OF THESE RIGHTS & OPPORTUNITIES THE INDICTED WITHOUT WAIVER (NCGSA 15A-606(A) AND (d) AND (15A-642(c)).

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two : _____

GROUND THREE: (GROSS MALICIOUS PROSECUTION) (SEE) STATE BAR RULE CHAPTER (2) RULE # (3.8.) FOR (SPECIAL RESPONSIBILITIES OF A PROSECUTOR) PARAGRAPH (A) STATES - THE PROSECUTOR IN A CRIMINAL CASE SHALL:
(X) REFRAIN FROM PROSECUTING A CHARGE (S) THAT THE PROSECUTOR KNOWS IS NOT SUPPORTED BY PROBABLE CAUSE. IN THIS MATTER I WAS INDICTED WITHOUT A (WAIVER) OF RIGHTS, SEE (NCGSA 15A-642(C)); AND WAS DEPRIVED OF A - MY PROBABLE CAUSE HEARING (NCGSA 15A-606 paragraphs (X) AND (d)); THEREFORE:

(2254 (B))

GROUND (3) PAGE (2)

WITH BEING INDICTED WITHOUT A PROBABLE CAUSE HEARING, AND WITH-
OUT A (WAIVER OF INDICTMENT) THIS MEANS THAT THE (GRAND-
JURY) WAS "BIAS, IMBALANCED AND PREJUDICIALLY PREJUDICE WITHOUT
AN OPPORTUNITY TO EXERCISE MY ENTITLED RIGHT(S) TO ^{UTILIZE THE} CONFRONTATION-
CROSS-EXAMINATION CLAUSE TO CONFRONT MY ACCUSERS, SEE THIS
STATES "DECLARATION OF RIGHTS" (ARTICLE (ONE) STATUTES (18), (19),
(22), (23) AND (24)), AS-WITH THE (US CONST. AMEND. (1ST)
(4TH) (5TH) (6TH) (8TH) (13TH) AND (THE 14TH) CONSTITUTIONAL RIGHTS
UNDER THIS (NUILITY) CONVICTION, WHERE ^{THIS} STATE HAS LACKED JURIS-
DICTION SINCE NOT MORE THAN (15) WORKING DAYS OF THE INITIAL
APPEARANCE ON (01-05-2018) WHERE AND WHEN THIS CASE BE-
CAME A (NUILITY) THUS PRIMA FACIELY CONFIRMING BY STATUTE THIS
PROSECUTION IS (WHOLLY GROSS) PROSECUTION FOR THIS ILLIT RESTRAINT
OF CUSTODY, WHEN IN PURSUIT OF THIS CONVICTION BEYOND (01-05-2018)
SEE (STATE V. HARDWOOD, 243 NC App. 425) 2015. WESTLAW-HEADNOTE(S)
(3) FOR WHEN THE COURT VIOLATES THE DUE PROCESS OF A (DETAINEE),
AN ARRESTEE, AND THIS STATES LEGISLATURE.

SEE (STATE V. LESTER, 294 NC 220) 1978. WESTLAW-HEADNOTE(S) # (6)

(MCCLURE V. STATE, 267 NC 212) 1966. WESTLAW-HEADNOTE # (6)

(STATE V. NIXON, 263 NC App. 676) 2019. WESTLAW-HEADNOTE # (9)

(STATE V. CASSADA, 170 SE 2d 575) 1969. WESTLAW-HEADNOTE(S) # (ONE)

(STATE V. FUTRELLE, 266 NC App. 207) 2019. WESTLAW-HEADNOTES # (1) (2) & (3)

(STATE V. NEVILLE, 108 NC App. 330) 1992. WESTLAW-HEADNOTE # (ONE) & (2)

(b) If you did not exhaust your state remedies on Ground Three, explain why: _____

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR: (Abuse of Discretion) From (Judge Michael O'Foghluha) ON (07-06-2018) that this Judge is a (North Carolina Judicial Official)

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): AND IS LICINSED
LAW
to practicing in this state to practice & adjudicate criminal court
Matters, thus is qualified to interpret this state rules of procedures
upon his judicial bench in his judicial capacity, thus deeming
that his abusive actions were the mark withful deliberate in-
difference with intentional inferences to pro tanto out of the
public elected him to proceedth pure justice when he allowed my
Attorney & this states District Attorneys Office to indict and prosecute

(b) If you did not exhaust your state remedies on Ground Four, explain why: (Nullity) sentence without
any (objections) thus being the head & sole contributor of this false
imprisonment thus neglecting his responsibilities (see) (State v.
Goode, 44 NC 498) 1980. Westlaw-Headnote(s) # (5) states - The judge
and defense counsel both share a (2) fold responsibility @ enforcing a
defendants rights-

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

AND TO KEEP THE TRIAL @ A STEADY PACE. HERE, ^{BECAUSE} THIS JUDGE (KNEW) THAT I WAS BEING UNLAWFULLY SENTENCED, HE HIMSELF, THE (D.A.) AND MY ATTORNEY VIOLATED STATE AND FEDERAL CRIMES UNDER THE STATUTE THAT MAKES IT A CRIMINAL ACT TO ACT WILLFULLY UNDER THE COLOR OF SEE (18 USCA 242) THEN SEE -

(UNITED STATES V. LAINIER, 117 S. CT. 1219) 1997, WESTLAW-HEADNOTES # (6) (7) (8) AND (11).

(6) STATES - WHEN CONSTITUTIONAL REQUIREMENTS HAS BEEN "MADE SPECIFIC" BY TEXT OR SETTLED INTERPRETATIONS OF THE STATUTE THAT MAKES CRIMINAL TO ACT WILLFULLY AND UNDER AND UNDER THE COLOR OF STATE LAW TO DEPRIVE A PERSON OF HIS RIGHTS BY THE CONSTITUTION OR OF THE LAWS OF THE UNITED STATES, WILLFUL VIOLATORS ARE IN (NO) POSITION TO SAY THAT THEY HAD NO ADEQUATE ADVANCE NOTICE THAT THEY WOULD BE VISITED WITH (PUNISHMENT); FOR VIOLATING AN (UNKNOWNABLE SOMETHING) (18 USCA 242)

IN FURTHER REFERENCE WITH (PRIMA FACIE EVIDENCE) THAT MY SENTENCING JUDGE (DIS HONORABLE MICHAEL O'FOGH LUDHA) WILLFULLY VIOLATED MY ^{CONSTITUTIONAL} STATE & FEDERAL DUE PROCESS RIGHTS; (SEE) (IN RE CLONTZ, 376 NC 128) 2020, WESTLAW-HEADNOTES # (3) AND (16), THAT THIS JUDICIAL WAS SANCTIONED FOR ALLOWING A "PROBABLE CAUSE HEARING" TO PROCEED ^{FOR BEING} OUT OF COMPLIANCE OF BOTH STATUTES (NCGSA 15A-606 (A) AND (d) AND (NCGSA 15A-642 (C)); (SEE THIS ABUSE OF DISCRETION).

HEADNOTE (3) STATES - THIS STATE DISTRICT COURT JUDGES (CONDUCT) (WILLFULLY VIOLATED JUDICIAL CANONS) ^{THAT'S} PROVIDING EVERY PERSON WHO IS LEGALLY INTERESTED IN A PROCEEDING (SUCH AS A

PROBABLE CAUSE HEARING) OR EITHER THE PERSON OR DEFENDANTS LAWYER, A (full) Right to be heard (US CONST. (1st) AND 14th), WHEN HE HELD A PROBABLE CAUSE HEARING IN A "FELONY CASE/MATTER, WITHOUT THE DEFENDANTS COUNSEL COURT-APPOINTED ATTORNEY PRESENT

HERE AGAIN, WHEN THE COURTS VIOLATES THE DUE PROCESS OF A CRIMINAL DEFENDANT AND THIS STATE'S LEGISLATURES MANDATED STATUTE & RULE OF PROCEDURES, THE ENTIRE PROCEEDING BE COMES (A NULLITY) SEE - (STATE V. HARDWOOD, 243 NC App. 425) 2015: HEADNOTE[#] (3) WESTLAW.

HEADNOTE[#] (16) STATES - (PUBLIC REPRIMAND) AS RECOMMENDED BY THE "JUDICIAL DISCIPLINARY COMMISSION", RATHER THAN A LETTER OF CAUTION AS A LESSER SANCTION, WAS THE APPROPRIATE DISCIPLINE TO ENSURE THE HONOR OF THE JUDICIARY AND THE PROPER ADMINISTRATION OF JUSTICE (FOLLOWING THIS JUDGES MIS-CONDUCT IN HOLDING A PROBABLE CAUSE HEARING.) IN A FELONY CRIMINAL CASE MATTER WITHOUT THE DEFENDANTS COURT-APPOINTED ATTORNEY PRESENT, DESPITE KNOWING THAT THE DEFENDANT WAS REPRESENT BY COUNSEL (NC GSA 7A-376) (NC JUD. CANON (2A) (3A) (4)).

(STATE V. WILSON, 345 SC (ONE)) ^{4th CIR.} 2001: HEADNOTES[#] (2) (3) (4) AND (5)

[#] (4) STATES - THE SAME STANDARD OF REVIEW APPLIES TO THE PRELIMINARY FACTUAL FINDING IN DETERMINING THE ADMISSIBILITY OF CERTAIN EVIDENCE IN A CRIMINAL CASE. HERE I WAS DEPRIVED OF MY ENTITLED RIGHT TO A PROBABLE CAUSE HEARING, IN ORDER TO PRESENT A DEFENSE

[#] (5) STATES - FOR A CONFESSION TO BE ADMISSIBLE (SUCH AS A PROBABLE CAUSE HEARING) THE ^{"STATE"} MUST PROVE JURISDICTION AND ^(PRODUCE) PROVE A (VOLUNTARY WAIVER) OF RIGHTS TO BE INDICTED, IN THIS CASE/MATTER, FOR A (NULLITY) PLEA AGREEMENT, THUS PRODUCING A WAIVER OF INDICTMENT,

SEE (NCGSA 15A-642(C)).

HERE, THERE IS NO PENOLOGICAL JUSTIFICATION ^{AS} FOR MY ATTORNEY, THIS DISTRICT ATTORNEYS OFFICE, THE INITIAL APPEARANCE AND ^{THE} SENTENCING JUDGE AS FOR THERE CONSPIRACY WITH THIS (TACIT) MALICIOUS PROSECUTION WILLFULLY IGNORED (CLEARLY PLAIN ELEMENTARY LANGUAGE) FOR STATUE — (NCGSA 15A-606) AND (15A-642(C)).

(SEE)

(BOYLE V. US, 129 S. CT. 2237) 2009. WESTLAW-LAW HEADNOTE [#] (13).

(BOYLE HEADNOTE [#] (13) _{STATUE})

STATES- WHEN THE LANGUAGE IS (CLEAR), IN INTERPRETING A CRIMINAL STATUE, THERE IS NO NEED TO (EXAMINE THE STATUTORY PURPOSE), LEGISLATURE HISTORY OR THE RULE OF LENITY.

(SEE)

(MATTER V. LENNANE, 380 N 483) 2022. WESTLAW-HEADNOTE [#] (9) STATES-

THE WORDS OF THE LEGISLATURE ARE THE CLEARST MAINIFETATION; OF ITS INTENT, SO THE SURPREME COURT GIVES EVERY WORD OF THE STATUE ITS EFFECT, PRESUMING THAT THE LEGISLATURES CAREFULLY CHOSE EACH WORD. USED

NOW SEE THE PLAIN LANGUAGE RULES OF DUE PROCESS PROCEDURES FOR BOTH (NCGSA 15A-606(A) AND (d) AND (NCGSA 15A-642(C)). THIS PLAIN LANGUAGE STATES THAT A DEFENDANT WHO IS REPRESENTED BY COUNSEL MUST PROCEEDTH A PROBABLE CAUSE HEARING (NOT LATER THAN (15) WORKING DAYS UNLESS THE DEFENDANT AND HIS COUNSEL (WAIVES) SUCH RIGHT IN (WITTEN) SIGNED BY BOTH THE DEFENDANT AND HIS ATTORNEY COUNSEL. HERE, THE STATE EITHER MUST PRODUCE A WAIVER OF INDICT-MENT OR PROBABLE CAUSE HEARING TRANSCRIPTS.

This Court Must Compel these State Prosecuting Actors to promptly produce (WAIVER OF INDICTMENTS) INCOMPLIANCE TO:

(STATE V. NIXON, 263 NC App. 676) 2019. WESTLAW-HEADNOTES [#](9).; BEING THAT THIS IS A (IN COMPLEXED) CASE, THERE IS NO EXTENSIVE INVESTIGATIONS NEED IN ORDER produce to PROOF valid JURISDICTION FOR this ILLEGAL-UNLAWFUL RESTRAINT CLAIM that CAN BE ADJUDICATED BY (FAXING) the WAIVER OF INDICTMENT SIGNATURES OF ME AND MY ATTORNEY THAT I KNOW DOES NOT "EXIST" - MOREOVER,

PLEASE BE AWARE THAT IN (STATE V. FURELLE, 266 NC App. 207) HEREIN, THE DISTRICT ATTORNEY ^{illicitly} "FORGED" the DEFENDANT'S NAME TO (WAIVE) his RIGHTS TO BE VOLUNTARILY INDICTED, WHEREAS, THIS CASE CAN BE DISPOSITIONED ^{- WITH NO -} LESS-THAN (30) DAYS.; INCOMPLIANCE TO (STATE V. NIXON) ABOVE.

(NOW SEE - THE PRELIMINARY REVIEW DUE PROCESS OF A HABEAS CORPUS;
(UNITED STATES V. PAYLOR, 88 F. 4th 553) 2023 (4th CIR.) WESTLAW-HEADNOTE #2
(2) (AND # (4))

(2) STATES -

A FEDERAL PRISONER did FILED A (MOTION TO VACATE) his CONVICTION FOR BEING IN POSSESSION OF A FIREARM (AND A MARYLAND FEDERAL DISTRICT COURT JUDGE DENIED HIS MOTION WITHOUT PROVIDING IT DISCOVER OR THE DUE PROCESS OF ITS PRELIMINARY REVIEW; THE INMATE APPEALED (AND THE APPEALS COURT HELD THAT).

THE DISTRICT COURT JUDGE ABUSED HIS DISCRETION IN DENYING AN EVIDENTIARY HEARING AND ITS DISCOVERY TO THE DEFENDANT (THIS CASE WAS VACATED AND RE-MANDED.

[#] (2) FURTHER STATES - WHEN THE DISTRICT COURT DENIES A MOTION TO SET-ASIDE, VACATE, OR CORRECT A SENTENCE WITHOUT

AN EVIDENTIARY HEARING, THE COURT OF APPEALS (CONSCRUES) THE
PRESENTED FACTS IN FAVOR OF THE MOVANT, OR IN THE MOVANTS FAVOR.
THIS MEANS THAT THE FEDERAL DISTRICT COURT (MUST) CONTACT THE STATE
TO (PRODUCE) (WAIVER OF INDICTMENTS) THUS, SIGNED BY BOTH ME AND
MY ATTORNEY IN COMPLIANCE WITH (NCGSA 15A-606, paragraphs (A) AND
(d) ^{AND} (NCGSA 15A-606 (C))

#(4) STATES-

TO BE VALID, THE PLEA OF GUILT MUST BE (KNOWINGLY) AND
(VOLUNTARILY) MADE;

HERE, ON THE (ERRONEOUS) ADVISE OF MY ^{GROSS} DEFICIENTLY INEFFECTIVE ASSIS-
TANT OF MY COUNSEL, HE DID NOT ADVISE ME THAT THIS CASE BECAME A
(NULLITY) NOT LATER THAN THE (15th) DAY AFTER MY INITIAL APPEARANCE,
IN WHICH IS WHEN THE STATE VOLUNTARILY FORFEITED JURISDICTION TO LEGALLY
PROSECUTE, THUS VIOLATING THE DUE PROCESS PROCEDURES OF (NCGSA 15A-
606) ^{AND} (15A-642 (C)), AS OF (STATE V. HARDWOOD, 243 NC App. 425) 2015.
WESTLAW-HEADNOTE * (3) HEREIN, THUS VALIDATING THAT, WHEN THE
(COURTS VIOLATES THE DUE PROCESS OF THIS STATE MANDATED DUE PROCESS;
THE ENTIRE "PROCEEDING" BECOMES A (NULLITY)).

(SEE)

(NCGSA 7A-66) FOR; THE REMOVAL OF A DISTRICT ATTORNEY:

Paragraphs (2 through 7)

WHERE ^{OF THE} THIS PROSECUTION WILLFULLY PURSUED PROSECUTION
BEYOND THE (15) DAYS INITIAL APPEARANCE STATUTE OF LIMITATION, THUS
PROSECUTING WITHOUT A (NCGSA 15A-642 (C)) WAIVER OF RIGHTS TO BE
AND A DEPRIVED RIGHT TO THE PROBABLE CAUSE HEARING OF THE CONFRON-
TATION CLAUSE, THAT IS DISTRICT ATTORNEY, SENTENCING JUDGE NOR MY ATTORNEY
OBJECT TO THIS DUE PROCESS RIGHTS VIOLATION; SEE (STATE V. GOODE) HEREIN.

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: _____

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☐ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: _____

(b) At arraignment and plea: _____

(c) At trial: _____

(d) At sentencing: _____

(e) On appeal: _____

(f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☐ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☐ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain

why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition. * (Dept. OF

Education v. BROWN, 143 S. Ct. 2343) 2023. WESTLAW-HEADNOTES # (8) STATES-
WHEN A STATUTE SUCH AS (NCGSA 15A-642 (A) AND (d)) AND (NCGSA 15A-642 (C));
Affords A litigant A PROCEDURAL Right TO PROTECT HIS CONCRETE INTREST, THE
litigant MAY ESTABLISH (ARTICLE 3) JURISDICTION WITHOUT MEETING THE USUAL
STANDARDS FOR (RE-dRESSABILITY) AND IMMEDIACY - SEE - (US CONST. ART. (3)
SECTION (2) CLAUSE (ONE)

(ROOK V. ROOK, 290 NC App. 512) 2023. WESTLAW-HEADNOTE # (4) STATES-
 Subject matter jurisdiction cannot be conferred by consent, waiver or estoppel

(STATE V. FUNDERBURK, 191 SE 2d. 520) 1972. WESTLAW-HEADNOTES # (1)(3)(4) AND (6);

(4) STATES - THE LACK OF SUBJECT-MATTER OF THE CAUSE OR SUBJECT-MATTER
 CAN BE RAISED AT ANY TIME, INCLUDING FOR THE FIRST TIME ON APPEAL
 TO THE SUPREME COURT.

(SEE)

(PATTON V. STATE OF NC, 256 F. Supp. 225) 1966. WESTLAW-HEADNOTE # (ONE)
 STATES -

THE EXHAUSTION OF A STATE PROCEDURE TO A "FORGONE" CONCLUSION,
 IS NOT "PREQUISITE" TO THE FEDERAL JURISDICTION, AND WHERE FURTHER PURSUIT
 OF ANY STATE REMEDIES WOULD BE IN "VAIN", THUS THE JURISDICTION EXIST IN THE
 FEDERAL DISTRICT COURT TO ENTERTAIN A HABEAS CORPUS PETITION AND TO
 REVIEW THE CONSTITUTIONALITY OF A TRIAL, AN ARRAIGNMENT OR ANY TYPE OF
 HEARING(S), PLEA AGREEMENTS AND OF THE IMPRISONMENT ITSELF, EVEN -
 THOUGH THE PRISONER HAS NOT EXHAUSTED ANY STATE REMEDIES, (GSNC
 15-217 THROUGH STATUTE 15-222); (28 USCA 2254 (B)).

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in
 part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

TO GRANT TO ME EMERGENCY RELIEF WITH AN (IMMEDIATE RELEASE) WITH EACH SEN-
VACATED WITH PREJUDICE, IRREPRABLE, THUS IN-VOKING (MY ARTICLE (3) STANDING WITH IMMEDIACY RE-
dressability; HAVING THAT THIS IS A LACK OF JURISDICTION CLAIM, TO ENFORCE THESE STATE
or any other relief to which petitioner may be entitled.
ACTORS TO PRODUCE valid JURISDICTION IN COMPLIANCE WITH (NCGSA 15A-606(A) AND (d) AND
(NCGSA 15A-642(C)) THUS MUST PRODUCE ME AND MY ATTORNEY'S WRITTEN SIGNATURE CONSENT'S
WAIVER OF CONFRONTATION PROBABLE CAUSE HEARING RIGHTS TO BE AUTOMATICALLY INDICTED;
THAT THE STATE MUST PRODUCE OUR-MY ATTORNEY AND I (WAIVER) OF RIGHTS WITHIN-NOT
MORE THAN (45) WORKING DAYS BEING THAT NO EXTENSIVE INVESTIGATIONS ARE NEEDED;
EXCEPT FOR A SIMPLE CHECKING OF THEIR RECORDS THAT CAN BE (FAXED OR EMAILED) TO THIS
COURT, PLEASE BE REMINDED THAT IN (STATE V. FRUTRELL) HERE IN, THE (DA) FORGED THE NAME OF THE

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for DEFENDANT

Writ of Habeas Corpus was placed in the prison mailing system on 02-25-25 (month, date, year). THUS IS

DEMANDING A (PUBLIC MEDIA APPLOGY) IN ORDER
TO RESTORE MY TARNISHED COMMUNITY CREDI-
bility.

Executed (signed) on 02-25-25 (date).

Nathan Weddle

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.
